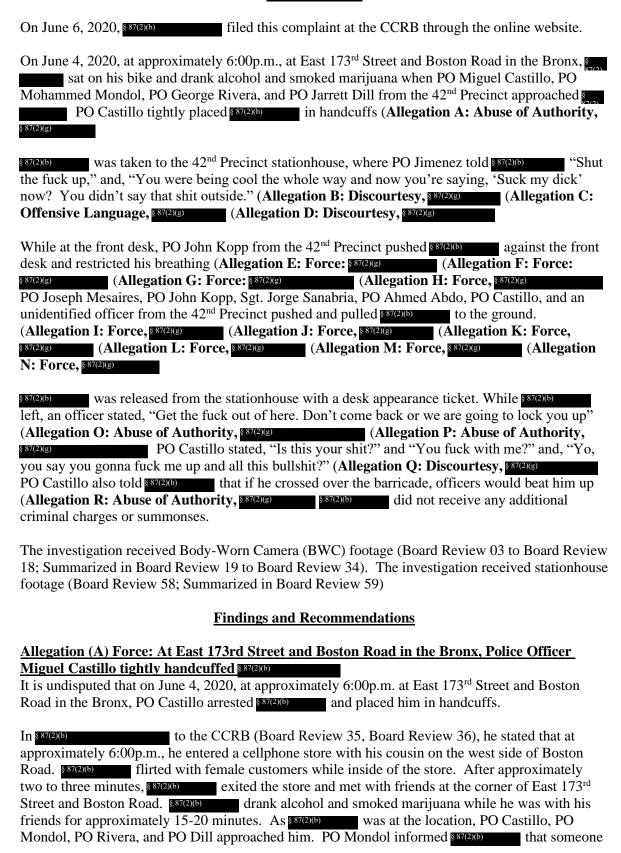
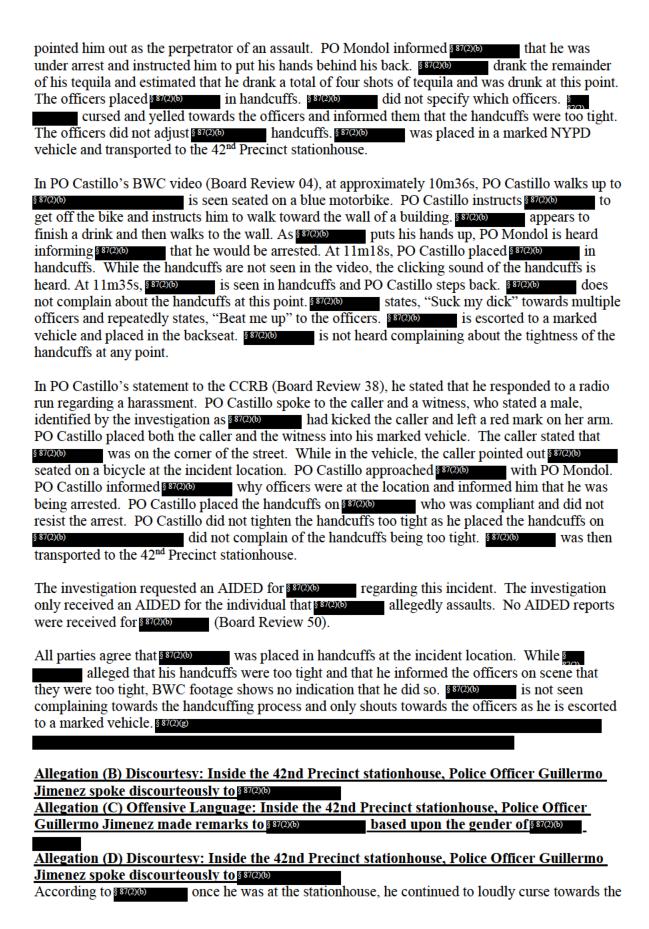
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓	Force	V	Discourt.		U.S.
Shadman Khan		Squad #12	202004061	V	Abuse	V	O.L.		Injury
Incident Date(s)		Location of Incident:		18 Mo. SOL		P	Precinct:		
Thursday, 06/04/2020 6:00 PM, 7 06/04/2020 6:19 PM	Thursday,	East 173rd Street and E Precinct stationhouse	Boston Road, 42nd		5/4	1/2022	2		42
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	e Rece	ived at CCI	B	
Sat, 06/06/2020 4:56 PM		CCRB	On-line website		Sat, 06/06	5/2020	4:56 PM		
Complainant/Victim	Type	Home Addre	ss					_	
Subject Officer(s)	Shield	TaxID	Command						
1. POM Miguel Castillo	30291	964976	042 PCT						
2. An officer									
3. POM Guillermo Jimenez	04608	960733	042 PCT						
4. SGT Jorge Sanabria	03950	953362	042 PCT						
5. POM Joseph Mesaris	16202	961949	042 PCT						
6. PO Ahmed Abdo	28609	966921	042 PCT						
7. PO John Kopp	03993	961867	042 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. POM Mohammad Mondol	05553	964663	042 PCT						
2. POM George Rivera	20190	965458	042 PCT						
3. POM Santo Fiorenza	08117	963517	042 PCT						
4. POM Jarrett Dill	17550	940094	042 PCT						
5. PO Robert Ramos	17246	959116	042 PCT						
Officer(s)	Allegatio	on			Inv	estiga	tor Recon	ıme	ndation
A . POM Miguel Castillo		t East 173rd Street and E fficer Miguel Castillo tig			ıx,				
B . POM Guillermo Jimenez	Discourtesy: Inside the 42nd Precinct stationhouse, Police Officer Guillermo Jimenez spoke discourteously to \$87(2)(6)								
C . POM Guillermo Jimenez	Off. Language: Inside the 42nd Precinct stationhouse, Police Officer Guillermo Jimenez made remarks to based upon the gender of \$87(2)(6)								
D . POM Guillermo Jimenez	Discourtesy: Inside the 42nd Precinct stationhouse, Police Officer Guillermo Jimenez spoke discourteously to \$87(2)(6)								
E . PO John Kopp	Force: Inside the 42nd Precinct stationhouse, Police Officer John Kopp used a chokehold against [887(2)(0)]								
F . POM Joseph Mesaris	Force: Inside the 42nd Precinct stationhouse, Police Officer Joseph Mesaris used a chokehold against \$87(2)(0)								
G . PO John Kopp	Force: Inside the 42nd Precinct stationhouse, Police Officer								

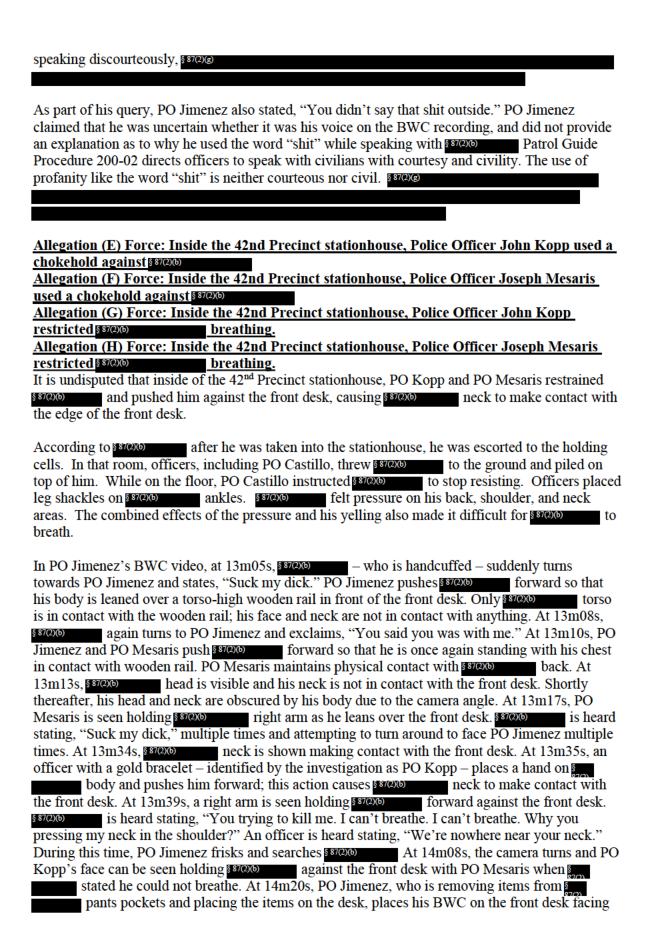
Officer(s)	Allegation	Investigator Recommendation
H . POM Joseph Mesaris	Force: Inside the 42nd Precinct stationhouse, Police Officer Joseph Mesaris restricted stationhouse, Police Officer breathing.	
I . POM Miguel Castillo	Force: Inside the 42nd Precinct stationhouse, Police Officer Miguel Castillo used physical force against § 87(2)(b)	
J . PO John Kopp	Force: Inside the 42nd Precinct stationhouse, Police Officer John Kopp used physical force against \$87(2)(b)	
K . POM Joseph Mesaris	Force: Inside the 42nd Precinct stationhouse, Police Officer Joseph Mesaris used physical force against § 87(2)(b)	
L . SGT Jorge Sanabria	Force: Inside the 42nd Precinct stationhouse, Sergeant Jorge Sanabria used physical force against \$87(2)(b)	
M . PO Ahmed Abdo	Force: Inside the 42nd Precinct stationhouse, Police Officer Ahmed Abdo used physical force against \$87(2)(b)	
N . An officer	Force: Inside the 42nd Precinct stationhouse, an officer used physical force against \$\frac{887(2)(b)}{2}\$	
O. An officer	Discourtesy: Outside of the 42nd Precinct stationhouse, an officer spoke discourteously to \$87(2)(b)	
P. An officer	Abuse: Outside of the 42nd Precinct stationhouse, an officer threatened to arrest \$87(2)(b)	
Q . POM Miguel Castillo	Discourtesy: Outside of the 42nd Precinct stationhouse, Police Officer Miguel Castillo spoke discourteously to \$87(2)(6)	
R . POM Miguel Castillo	Abuse: Outside the 42nd Precinct stationhouse, Police Officer Miguel Castillo threatened [887(2)(b)] with the use of force.	

Case Summary





officers. An unidentified male officer then told \$2000 "Shut the fuck up." \$2000 then taken to a room with holding cells. In PO Jimenez's BWC video (Board Review 09), at 11m32s, PO Jimenez helps escort into the stationhouse. During this time, \$3000 is heard repeatedly stating, "Suck my dick," and, "I don't give a fuck." states that he could fight and beat any officer one-on-one. is brought to the front desk for processing. No officer is heard making the stating, "Shut the fuck up," at any point. While at the front desk, \$87(2)(6) repeatedly states, "Suck my dick." At 13m04s, § 87(2)(b) states, "Fuck you, nigger. Suck my dick." PO Jimenez asks, "Why are you saying that right now?" \$87(2)(6) repeatedly states, "Suck my dick." At 13m25s, PO Jimenez states, "You were being cool the whole way and now you're saying, 'Suck my dick' now? You didn't say that shit outside." In PO Jimenez's statement to the CCRB (Board Review 40), he stated that he responded to a job at East 173rd Street and Boston Road in the Bronx for a crime in progress. Once at the incident location, he saw multiple officers already there. The officers from Sector Adam had already effected an arrest, so PO Jimenez stood nearby in order to transport the subject, identified by the investigation as \$3000 to the stationhouse. \$3000 was placed inside of PO Jimenez's vehicle and transported to the 42nd Precinct stationhouse. PO Jimenez escorted \$87(2)(6) to the front desk for processing. Ser(2)(6) spoke during this time but did not directly speak to PO Jimenez. PO Jimenez did not make the statement, "Shut the fuck up," toward \$87(2)(6) Jimenez did not recall if any officer made that statement toward [887(2)(b) PO Jimenez was shown his BWC video, played from 13m20s to 13m34s. §87(2)(6) is heard stating, "Suck my dick," and PO Jimenez is heard stating, "You were being cool the whole way and now you're saying, 'Suck my dick' now? You didn't say that shit outside." PO Jimenez was unsure if this was his voice and could not conclusively identify it." Officers must respect the dignity of each individual and render their services with courtesy and civility. Patrol Guide Procedure 200-02: Mission, Vision, and Values of the NYPD (Board Review 53). Although \$3000 alleged that an officer told him, "Shut the fuck up." BWC video indicated that no such statement was made. The only individual heard using profane statements while being escorted into the stationhouse was \$87(2)(6) In his statement to the CCRB, PO Jimenez stated that he was unable to state if he was the one that made the statement, "You were being cool the whole way and now you're saying, 'Suck my dick' now? You didn't say that shit outside." Nonetheless, the investigation that he did indeed make this statement because the BWC depicts that he was the officer speaking with \$87(2)(b) the statement was made. Further, the voice that made this statement is consistent with the voice of the officer who spoke with § 87(2)(6) as he entered the stationhouse, and PO Jimenez is the officer who was with \$87(2)(b) when this occurred. Although PO Jimenez uttered the phrase "Suck my dick," when he did so, he was simply repeating had made. As per the BWC footage, this repetition of \$87(2)(6) was part of a continued query in which PO Jimenez was asking \$87(2)(6) why he was speaking in this manner. § 87(2)@ Since the statement was a repeat of because the statement was part of a continued query as to why



CCRB CTS – Confidential Page 4

At the same time, \$87(2)(6) begins to spit purposefully in the direction of the desk. At 14m31s, \$87(2)(6) neck can be seen making contact with the edge of the front desk. PO Jimenez approaches \$87(2)(6) with a mask and attempts to place the mask over \$87(2)(6) face, but is unsuccessful. At 14m34s, PO Jimenez's arms block the view of \$87(2)(6) neck. At approximately 14m35s, \$87(2)(6) is moved away from the desk.

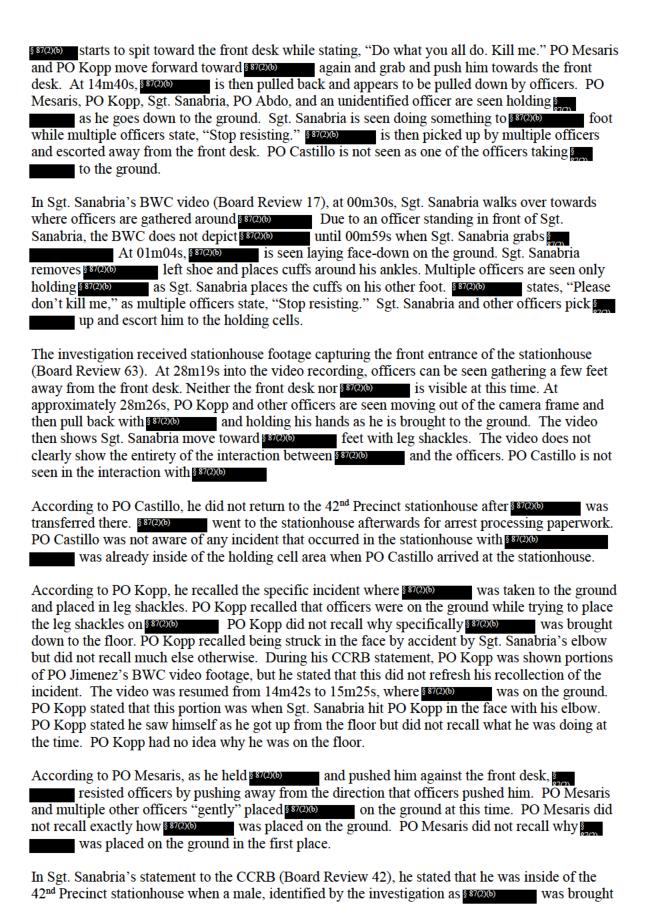
The investigation received stationhouse footage capturing the front entrance of the stationhouse (Board Review 60-65). Even though the investigation's request for stationhouse footage specified the front desk, no footage covering this area of the stationhouse was provided. The provided footage does not depict this interaction between \$3000 and officers.

In PO Kopp's statement to the CCRB (Board Review 44), he stated that he worked as a telephone switchboard operator in the 42nd Precinct stationhouse. PO Kopp did not have any independent recollection of the incident. PO Kopp was not familiar with the name recollection of the incident. PO Kopp was not familiar with the name recollection of the incident. PO Kopp did not recall pushing against the front desk during the date of the incident. PO Kopp did not see if recollection neck made contact with the edge of the front desk. PO Kopp did not recall any statements made regarding recollection neck. PO Kopp was shown PO Jimenez's BWC video, which was played from 14m18s to 14m22s. The video portion showed repairing. PO Kopp confirmed that it was him in the BWC video. The video was played from 14m27s to 14m32s, where recollection of the incident. The video was again played from 14m22s to 14m35s, where was pushed against the front desk. PO Kopp stated he did not see himself in the video. PO Kopp stated he saw himself move forward but did not touch recollection of the incident. The video did not refresh any additional recollection of the incident.

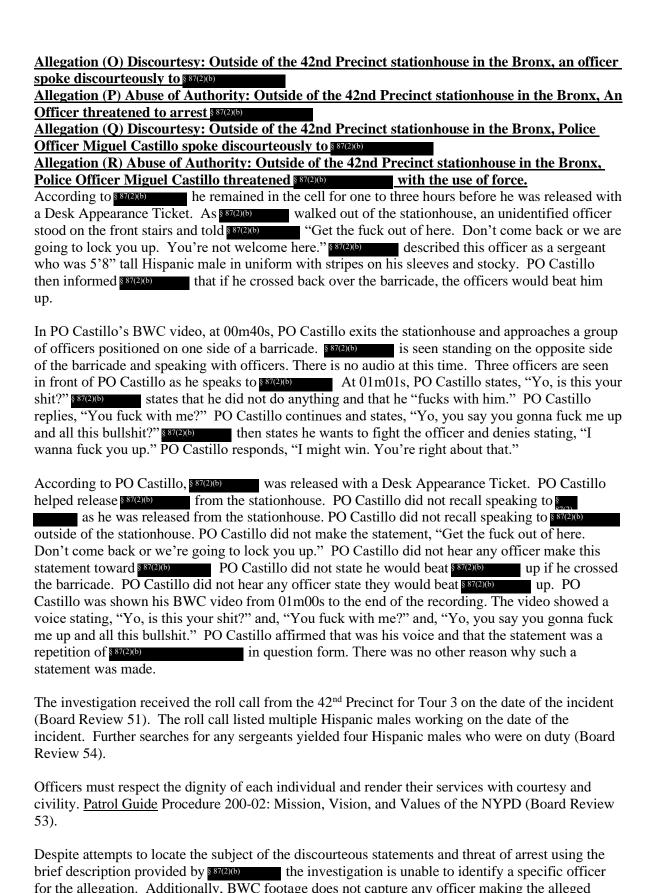
In PO Mesaris' statement to the CCRB (Board Review 46), he stated that he was in the 42nd Precinct stationhouse when other officers brought a handcuffed male, identified by the investigation inside. §87(2)(6) acted belligerently by threatening to fight other officers, used offensive language, and spit. When \$87(2)(b) was brought to the front desk, he continuously attempted to turn away from the front desk. Since \$370,000 threatened officers, tried to turn away from the front desk, and made statements such as, "Suck my dick," PO Mesaris decided to as other officers did the arrest processing. PO Mesaris explained that he only held and leaned him against the front desk due to his actions. PO Mesaris was the first officer to use force against \$ 87(2)(6) started to spit around the desk and towards other officers during the time PO Mesaris held him. PO Mesaris continued to restrain by grabbing his shoulder. During this time, \$370,000 face made contact with the front desk as he leaned forward. PO Mesaris recalled that at one point, \$87(2)(6) did complain of being unable to breathe. PO Mesaris did not recall if \$87(2)(0) neck made contact with the edge of the desk at any point. PO Mesaris was shown PO Jimenez's BWC video. The video was played from 14m24s to 14m31s, which showed (\$300) being restrained by PO Mesaris and other officers. Based on the video, PO Mesaris explained that he was only holding \$37000 face against the front. The video was again played from 14m31s to down with \$87(2)(6) 14m34s, where § 87(2)(b) neck slightly contacts the edge of the desk. PO Mesaris stated that based on the video, he did not know if \$87000 breathing was restricted based on his actions.

A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air. Members of service **SHALL NOT** use a chokehold [emphasis in the original]. <u>Patrol Guide</u> Procedure 221-01: Force Guidelines (Board Review 52).

BWC and stationhouse footage indicate that PO Kopp and PO Mesaris were the officers that initially pushed against the front desk, causing his neck to make contact with the edge of the front desk. PO Mesaris' involvement is further corroborated by his statement, where he affirmed that he was the first officer to use force against While neither PO Kopp nor PO Mesaris recalled if he neck made contact with the edge of the front desk, both officers affirmed that they saw as much in the BWC video. Due to the sharp and protruded nature of the edge of the front desk, any contact with street neck has the possibility to prevent or hinder breathing or reduce his intake of air. As such, any police action that caused neck to come into contact with the edge of the front desk and any pressure applied to when his neck was in contact with the edge of the front desk would be considered a chokehold under the definition in the Patrol Guide. Although was engaged in belligerent behavior by repeatedly turning towards PO Jimenez, threatening to use force against officers, and purposefully spitting, under Patrol Guide Procedure 221-01, the use of a chokehold is a prohibited action regardless of the circumstances.
alleged that he had difficulty breathing at the time force was used against him. Additionally, BWC footage shows stating that he was unable to breathe at that time. is later shown being pushed toward the front desk, causing his neck to make contact with the sharp edge of the front desk. This partially gives credibility to stating that he was unable to make contact with the sharp edge of the front desk. This partially gives credibility to stating that he was unable to make contact with the sharp edge of the front desk. This partially gives credibility to stating that he was unable to make contact with the sharp edge of the front desk. This partially gives credibility to stating that he was unable to make contact with the sharp edge of the front desk. This partially gives credibility to stating that he was unable to breathe at that time.
Allegation (I) Force: Inside the 42nd Precinct stationhouse in the Bronx, Police Officer Miguel Castillo used physical force against \$37(2)(0) Allegation (J) Force: Inside the 42nd Precinct stationhouse in the Bronx, Police Officer John Kopp used physical force against \$37(2)(0)
Allegation (K) Force: Inside the 42nd Precinct stationhouse in the Bronx, Police Officer Joseph Mesaris used physical force against \$87000 Allegation (L) Force: Inside the 42nd Precinct stationhouse in the Bronx, Sergeant Jorge Sanabria used physical force against \$87000 Allegation (M) Force: Inside the 42nd Precinct stationhouse in the Bronx, Police Officer
Ahmed Abdo used physical force against \$870,00 Allegation (N) Force: Inside the 42nd Precinct stationhouse in the Bronx, an officer used physical force against \$870,00 It is undisputed that inside of the 42nd Precinct stationhouse, multiple officers restrained and took him to the ground and placed him in leg shackles.
As discussed in Allegations E to H, \$87(2)(6) recalled being placed on the ground in the holding cells while officers piled on top of him. \$87(2)(6) felt pressure on his back, shoulder, and neck areas.
In PO Jimenez's BWC video, repeatedly tried to turn back toward PO Jimenez before both PO Mesaris and PO Kopp pushed him against the front desk. Both officers release strong pants pockets. At 14m25s, so



yelled, screamed, and did not respond to any commands at the time. seven threw himself onto the floor at one point. Sgt. Sanabria was on the other side of the front desk while other officers held seven because he was being irate, not listening to officers, and not standing still in the front desk for arrest processing. Sgt. Sanabria saw that seven was being held against the front desk. It appeared that seven fell to the floor on his own accord while being held by officers. Sgt. Sanabria grabbed one of seven legs and removed the sneaker to place leg shackles. Sgt. Sanabria managed to place leg shackles on who was then lifted up and taken to the holding cells.
In PO Abdo's statement to the CCRB (Board Review 48), he stated that he was inside of the stationhouse working as a stationhouse security officer. PO Abdo witnessed officers bring a handcuffed male, identified by the investigation as stationhouse. PO Abdo described as "angry" and explained that stationhouse. PO Abdo described and tried to leave the stationhouse. Solve also started to spit towards the outside and tried to leave the stationhouse. Solve also started to spit towards the front desk and desk sergeant while officers were trying to process him for the arrest. Multiple other officers attempted to grab solve and restrain him. PO Abdo also moved towards solve and grabbed his arm in an attempt to assist the other officers' attempt to restrain solve was brought down to the ground in a controlled manner. PO Abdo continued to hold solve placed leg shackles on solve three seconds and then released him. Once on the ground, an officer placed leg shackles on and he was escorted to the holding cells.
The primary duty of all members of the service is to protect human life, including the lives of individuals being places in police custody. Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. In determining whether the use of force is reasonable, members of the service should consider the actions taken by the subject, duration of the action, and whether the subject is actively resisting custody. Patrol Guide Procedure 221-01: Force Guidelines (Board Review 52).
While \$87000 alleged that PO Castillo was present when he was taken to the ground, BWC footage show that he was not present at the time was taken to the ground.
All parties agree that \$\$7000 shouted towards officers while he was inside of the stationhouse. Based on the officers' statements, \$\$7000 continued to shout towards officers even as he was being processed for arrest at the front desk. BWC video show that in addition to shouting towards officers, \$\$7000 attempted to turn away from the front desk multiple times as PO Jimenez processed \$\$7000 Additionally, \$\$7000 started to spit towards the front desk multiple times, where a desk sergeant was seated.
As seen in the PO Jimenez's BWC footage, officers grabbed and brought him to the ground as he continued to shout toward officers. Sgt. Sanabria's BWC footage then shows that officers only held for on the ground as Sgt. Sanabria placed the leg shackles on was then immediately lifted into a standing position and escorted to a holding cell.



CCRB Case # 202004061

discourteous statement and threat of arrest. §87(2)(g)

§ 87(2)(g)
PO Castillo's statement, "You fuck with me?" was in response to statement made by a civilian for clarification does not constitute misconduct. However, BWC footage captured PO Castillo making additional discourteous statement of, "Is this your shit?" and "Yo, you say you gonna fuck me up and all that bullshit." PO Castillo stated that his use of profanity was just a repetition of statement.
stated that an officer threatened to beat him up. However, BWC footage showed that it was \$87000 who threatened to use force against the officers. PO Castillo did not make any statements about using force against \$87000 and only responded to \$87000 statement about fighting by saying that he might win such a fight. \$87000
Civilian and Officer CCRB Histories
• §87(2)(b)
PO Castillo has been a member of service for four years and has been in a subject in one other CCRB complaint and one allegation, which was not substantiated. ***TOTE** Complement Comp
PO Jimenez has been a member of service for six years and has been a subject in one other CCRE complaint and one allegation, which was not substantiated.
 PO Kopp has been a member of service for five years and this is the first CCRB complaint to which he has been a subject. PO Mesaris has been a member of service for five years and has been a subject in one other CCRB complaints and has been a subject in one other complaints.
CCRB complaint and one allegation, which was not substantiated [870] Sgt. Sanabria has been a member of service for nine years and has been a subject in nine CCRF

- Sgt. Sanabria has been a member of service for nine years and has been a subject in nine CCRB
 complaints and 16 allegations, of which one was substantiated.
 - 201401080 involved substantiated allegations of a vehicle stop and vehicle search against Sgt. Sanabria. The Board recommended command discipline and the NYPD imposed command discipline – A.
- PO Abdo has been a member of service for three years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of December 23, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 56).

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]						
Canad.	12					
Squad:	12					
Investigator:	Shadman Khan	Investigator Shadman Khan	March 21, 2022			
	Signature	Print Title & Name	Date			
Squad Leader:	Carlmais Johnson	IM Carlmais Johnson	March 22, 2022			
- quad u u	Signature	Print Title & Name	Date			
. ·						
Reviewer:	Cionatura	Print Title & Name	Dote			
	Signature	Pillit Title & Name	Date			